

MAIN CASE

Reference No: 16/00907/FUL

Proposal: Single Storey Detached Dwelling

Site Address: 59A Great Fen Road Soham Ely Cambridgeshire CB7 5UH

Applicant: Mr & Mrs S Mutton

Case Officer: Gareth Pritchard Planning Officer

Parish: Soham

Ward: Soham North

Ward Councillor/s: Councillor James Palmer
Councillor Carol Sennitt

Date Received: 27 July 2016

Expiry Date: 14th December 2016

[R157]

1.0 **RECOMMENDATION**

1.1 Members are requested to REFUSE this application for the following reasons:

1.1.1 The proposed dwelling is located within the countryside and, by virtue of its distance from the main settlement of Soham, is considered to be in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of this additional dwelling will be reliant on motor vehicles in order to access any local services or facilities. The proposal does not meet any of the special circumstances as identified in Paragraph 55 of the National Planning Policy Framework. The proposal fails to comply with the Policies GROWTH 5 and COM7 of the East Cambridgeshire Local Plan 2015 and Paragraphs 14 and 55 of the National Planning Policy Framework, as it fails to promote sustainable development.

1.1.2 The proposed dwelling, which is classified as a 'more vulnerable' development in Table 2 of the NPPF Planning Practice Guidance, would be sited within Flood Zone 3 as identified by the Environment Agency flood zone maps, where the Sequential Test must be passed for the development to be approved. The application fails to pass the Sequential Test as there are reasonably available sites elsewhere within the Parish of Soham with a lower probability of flooding and is therefore contrary to Policy ENV 8 of the East Cambridgeshire Local Plan, the Cambridgeshire Flood and Water SPD, the provisions of the PPG on Flooding and Coastal Change and the National Planning Policy Framework.

2.0 SUMMARY OF APPLICATION

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.2 This application has been called in to Planning Committee by Councillor James Palmer due to the nature of Chapel Lane and the general Great Fen Road area, which Councillor Palmer has always felt to be a residential street which happens to be outside of the town. Councillor Palmer is not in favour or against the application but feels it should be considered by the Planning Committee.
- 2.3 Full planning permission is being sought for a single storey, detached dwelling on land to the west of 59A Great Fen Road with accommodation in the roof space. When viewed from the front elevation fronting Great Fen Road the proposed dwelling has a maximum width including the porch of 7 metres, a depth of 17.5 metres, ridge height of 5.1 metres and eaves of 2.4 metres. Due to the constraints of the site the proposed dwelling would be at gable end to the highway. A driveway, parking and access will be provided to the south-east of the dwelling and private amenity space to the north-west. Amended plans were submitted which overcame concerns of the Local Highways Authority for manoeuvring within the site, and the Environment Agency in terms of contamination and an inadequate Flood Risk Assessment.

3.0 PLANNING HISTORY

3.1

01/00732/FUL	Removal of agricultural occupancy condition	Approved	08.11.2001
10/00650/FUL	Application for the change of use of part of the land to the side and rear of 59a Great Fen Road to Timber Yard (Retrospective).	Withdrawn	16.09.2010
11/00603/FUL	Change of use of part of the land to the side and rear of 59a Great Fen Road to Timber Yard (Retrospective).	Approved	08.09.2011
13/00070/VAR	Variation of condition 1 :hours of opening	Approved	18.03.2013

13/00575/FUL	Erection of Agricultural Building (296 floor Area)	Approved	13.09.2013
15/00299/FUL	Erection of replacement office building	Approved	12.05.2015

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside of the established development framework for Soham, and as such is considered to be in a countryside location where development is tightly controlled. The site is currently occupied with an office associated with the timber yard to the north-west, and is also used for storage of timber products. To the east of the site is the access for the timber yard and the dwelling associated with the land 59a Great Fen Road. 59 Great Fen Road is a single storey dwelling to the west of the proposed dwelling. The site is located within Flood Zone 3. The surrounding area is considered to be primarily agricultural with sporadic housing along Great Fen Road.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Local Highways Authority – Originally objected to the proposal as it did not incorporate adequate facilities to enable vehicles to enter and leave in forward gear. The access was also considered unsatisfactory to serve the proposed development which would likely have resulted in vehicles having to stop and maneuver within the highway. However, amended plans were submitted by the applicant which overcame these concerns subject to suitable conditions.

The Ely Group Of Internal Drainage Board – The application proposes surface water shall be disposed of via soakways. Providing soakaways form an effective means of disposal in this area the board will not object to this application.

CCC Growth & Development - No Comments Received

Waste Strategy (ECDC) - No objections but requested a number of informatives relating to bin collection and payments for bins for new dwellings are attached to any decision notice.

Environment Agency – Initially objected to the application due to concerns on contamination and sub-standard flood risk assessment grounds. These were both withdrawn and comments stated:

As the timber yard has never treated timber the site is considered to be at low risk for contamination.

The Environment Agency do not deal with whether the site passes the Sequential Test or part one of the Exceptions Test. They have reviewed the submitted Flood Risk Assessment and were able to remove the original objection.

A number of conditions and informatives were also recommended should the application be approved.

Parish – Noted that the application site was outside of the established development framework but that this may not be a material planning consideration currently for ECDC. Considered that the overall size of the proposed development was too large relative to the available space. The committee noted the relative remoteness of the proposed in relation to amenities.

Ward Councillors – Comments received from Cllr James Palmer.

“I would like to call in the application for 59a Great Fen Road for consideration by committee.

I feel very strongly that this area is a longstanding residential street and as such is as sustainable now as it was 20, 40, 60 or 100 years ago.

I believe that officers may benefit from a committee steer on this issue.”

Tree Officer – Should the application be approved has recommended a tree protection plan detailed in drawing 04/MUTT/16 be secured by condition.

- 5.2 **Neighbours** – One neighbouring property was notified, a site notice posted and advert placed in the Cambridge Evening News: Comments received from 59 Great Fen Road. They advise it will be ECDC responsibility should any flooding occur after consent is granted. Have seen no ground work or drainage lay out as to where foul water and storm water will be traced to (or lead out). The sewage/storm water/soak away will have to be traced at a very great distance. Have contacted the Middle Level Drainage Board to work out something that can be agreeable, at present get storm water problems. Adjacent building has no guttering. If construction should take place and get vibration damage or noise problems we shall take measures with our lawyers.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 8	Flood risk
ENV 9	Pollution
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
COM 7	Transport impact
COM 8	Parking provision

- ENV 4 Energy efficiency and renewable energy in construction
- ENV 7 Biodiversity and geology

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations
Cambridgeshire Flood and Water SPD

6.3 National Planning Policy Framework 2012

- 4 Promoting sustainable transport
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment
- 10 Meeting the challenge of climate change, flooding and coastal change

7.0 **PLANNING COMMENTS**

- 7.0.1 The main issues to consider when determining this application relate to the principle of development, flood risk, the impact upon character and appearance of the area, residential amenity, highways safety and trees.

7.1 **Principle of development**

- 7.1.1 The application site lies outside of the defined development boundary. The development of the site for housing would therefore conflict with Policy GROWTH 2 of the East Cambridgeshire Local Plan which seeks to focus new housing development within defined settlement boundaries. However, as the council cannot currently demonstrate a five year land supply for housing, policy GROWTH 2 cannot be considered up to date in so far as it relates to supply of housing land.
- 7.1.2 In this situation the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits of the proposed dwelling.
- 7.1.3 Paragraph 55 of the NPPF states that isolated new homes in the countryside should be avoided unless there are special circumstances. This site is considered to be isolated from any built settlement, being 3 miles from the nearest settlement of Soham. The site is located in an isolated, rural location. It is therefore considered to be an unsustainable location for the erection of a new dwelling, similar to the conclusions of the Inspector in a recent appeal decision which forms a material consideration to be given significant weight in determining this application.
- 7.1.4 The appeal decision bears similarities with this proposal and followed the refusal by the Planning Committee for two dwellings at 14 The Cotes, located 1.8 miles north of Soham, in an isolated cluster of dwellings. The proposed development site in this case is some 3 miles north of Soham and 4 miles from the centre of Soham where local shops and services are located.

- 7.1.5 The recently received appeal decision for The Cotes in Soham (APP/V0510/W/16/3143840) cited the location as unsustainable due to the reliance on the car. The appeal stated that *“both (sites) would be reliant on the car to gain access to services and facilities. This would not accord with the Framework or the environmental dimension of sustainable development”* and *“the isolation of the sites from community facilities would weigh against the social dimension and would not accord with paragraph 55 of the Framework regarding the location of rural housing”*. Furthermore, the appeal also stated *“given the distance of the sites from local facilities and the unsuitability of the road for pedestrian access, I conclude on this issue that the occupiers of the proposed dwellings would be highly reliant on the car to gain access to services and facilities”*. As previously stated, the Cotes is approximately 1.8 miles to the centre of Soham, and this application site is 3 miles from the edge of Soham and 4 miles from the centre of Soham where local shops and services are located.
- 7.1.6 It is considered that the proposal is contrary to Local Plan policy COM7 which requires that development is designed to reduce the need to travel, particularly by car, and to promote sustainable forms of transport. This site is located 4 miles from the centre of Soham and, as such, the Local Planning Authority view it as unsustainable as there are a number of sites within Soham which are in a more sustainable location and are either allocated for development or could be windfall sites.
- 7.1.7 This proposal differs from residential permissions granted in the small rural settlements in the District. This is due to the fact that encouraging growth at these rural sites will improve their sustainability and since they are presently reliant on nearby villages and reliant on the car already, the introduction of new dwellings ultimately helps their long-term sustainability and keeps these communities alive. The NPPF supports this by stating in paragraph 55 that development can support services in a village nearby and that isolated new homes in the countryside should be resisted unless there are special circumstances.

7.2 **Flood Risk**

- 7.2.1 Paragraph 14 of the NPPF makes it clear that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 7.2.2 The NPPF requires that a sequential approach is taken to the location of development, based on Flood Zones, and development should as far as possible be directed towards areas with the lowest probability of flooding. The NPPF requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a Flood Risk Sequential Test. The Local Planning Authority must determine whether the application site passes the NPPF Sequential Test.

- 7.2.3 The application site is located within Flood Zone 3, defined within the NPPF Planning Practice Guidance as having a 'high probability' of flooding. The development type proposed is classified as 'more vulnerable', in accordance with Table 2 of the NPPF Planning Practice Guidance. Table 3 of the NPPF Planning Practice Guidance makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted unless the development is necessary.
- 7.2.4 Paragraph 101 of the NPPF states that development should not be permitted if there are other reasonably available sites appropriate for the proposed development, located in areas with a lower probability of flooding.
- 7.2.5 Policy ENV8 of the East Cambridgeshire Local Plan 2015 states that the Sequential Test and Exception Test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1. In respect of this application, the Sequential Test would need to demonstrate that there are no other reasonably available sites within Parish of Soham suitable for the erection of a single dwelling which are outside of Flood Zone 3.
- 7.2.6 A Flood Risk Sequential Test has not been submitted by the applicant. There are a number of allocated sites for housing within the Parish of Soham, as specified within the East Cambridgeshire Local Plan 2015. In addition, a number of planning applications for new dwellings have recently been approved in more sustainable locations within the Parish of Soham. It is therefore considered by the Local Planning Authority that there are a number of other reasonably available sites for the erection of a single dwelling within the Parish of Soham which are at a lower probability of flooding. Therefore, the proposed additional dwelling is not necessary in this location and the application fails the Sequential Test for this reason.
- 7.2.8 It should also be noted that the recently adopted Cambridgeshire Flood and Water SPD advises that applications for sites in Flood Zone 2 and 3 where there is no Sequential Test information provided will be deemed to have failed to Sequential test.
- 7.2.7 Had the Sequential Test be passed the Exception Test should then be applied, guided by the submitted Flood Risk Assessment.
- 7.2.8 The exception test requires the development to demonstrate that it provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- 7.2.9 A site-specific flood risk assessment must also demonstrate that the development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce overall food risk, Both elements need to be passed for development to be allocated or permitted under paragraph 102 of the NPPF.
- 7.2.10 The application fails to demonstrate that the dwelling provides wider sustainability benefits to the community that outweigh flood risk and therefore fails part one of the exception test. However, the Environment Agency have advised they have no objections to part two of this test providing conditions are applied.

7.2.11 As the proposal fails to pass the Sequential Test it is considered to unnecessarily place a dwelling in an area at significant risk of flooding, contrary to Policy ENV8 of the East Cambridgeshire Local Plan 2015, the provisions of the PPG on Flooding and Coastal Change, the Cambridgeshire Flood and Water SPD, and the National Planning Policy Framework.

7.3 **Visual amenity**

7.3.1 Under Local Plan policy ENV2 this application should take care to ensure that the location, layout, form, scale, massing and materials are sympathetic to the surrounding area.

7.3.2 The Design Guide SPD suggests that dwellings should occupy one third of a plot. The proposed dwelling is approximately 107sqm which is slightly larger than one third of the plot size. This is not considered to cause a significantly detrimental impact, and is therefore considered to be acceptable.

7.3.3 The site area is currently occupied by an office associated with the adjoining timber yard, and for the storage of timber materials. The office is constructed of a timber material and previously approved as being acceptable as an office under application 15/00299/FUL.

7.3.4 The site is a long, narrow piece of land and the proposed dwelling is dictated by the constraints of the site. The dwelling has its gable end facing the highway, and occupies most of the width of the site when viewed from the highway. As a result the proposed dwelling presents a cramped and contrived appearance.

7.3.5 The height of the proposed dwelling is considered to be consistent with the existing office building, and other residential dwellings in the locale, and is therefore considered to be acceptable.

7.3.6 The applicant proposes materials on drawing 03/MUTT/16 which are considered to be acceptable, and would complement the dwellings in the locale.

7.3.7 On balance of the above the visual impact of a dwelling within the relatively rural area is considered to be minimal, and in the absence of significant or demonstrable harm visually the application is considered to comply with Local Plan policy ENV2.

7.4 **Residential amenity**

7.4.1 Under Local Plan policy ENV2 this application should take care to ensure there is no significantly detrimental harm to the residential amenity of the occupier and neighbouring occupiers as a result of the proposed.

7.4.2 The Design Guide SPD requires new dwellings to provide a minimum of 50sqm private amenity space. The proposal will provide sufficient space as to comply with this.

7.4.3 Due to the location of the proposed in relation to neighbouring dwellings it is not considered to cause a significant loss of privacy for neighbouring occupiers. The

bedroom windows on either gable will look onto Great Fen Road or the timber yard, and therefore any direct overlooking would be minimal.

7.4.4 Consideration has been given as to whether the proposed would be significantly overbearing or would cause a significant loss of light to the dwelling No. 59 Great Fen Road, as the property has windows along its side elevation facing the site. Due to the location of the proposed, and the existing office building it is not considered to result in a significant loss of light. The eaves height at the shared boundary would be 0.1 metres higher than the existing office block, with the ridge height being 0.7 metres taller. As a result the application is not considered to be overbearing to any greater extent than the existing office.

7.4.5 Consideration has also been given to vehicle movements to and from the timber yard and its impact on future occupiers of the proposed dwelling. Again while there is considered to be an impact of vehicle movements it is not considered significant enough as to warrant refusal.

7.4.6 As a result the application is not considered to result in a significantly detrimental harm to the residential amenity of nearby occupiers or future occupiers of the proposed dwelling. As a result it is considered to broadly comply with the residential amenity aspect of policy ENV2.

7.5 **Highways safety and parking provision**

7.5.1 Under Local Plan policy COM7 this application should ensure that it can provide safe and convenient access to the highway network. The Local Highways Authority originally objected to this application as vehicles could not enter and leave in forward gear, and the access was not acceptable. Following the submission of amended plans the objection was withdrawn provided necessary conditions were attached to any approval. As a result the application is considered to comply with policy COM7 in relation to safe and convenient access.

7.5.2 Local Plan policy COM8 requires new dwellings to provide a minimum of two parking spaces. The proposal provides adequate parking to the front of the dwelling for two motor vehicles. As a result the application is considered to comply with policy COM8.

7.6 **Trees**

7.6.1 There is a large tree to the south-west of the site on the adjacent neighbours land. The applicant has provided plans to show how the tree can be sufficiently protected during construction. The Tree Officer has advised they are happy with this provided it is conditioned.

7.7 **Planning balance**

7.7.1 The proposal would provide the following benefits:- the provision of an additional residential dwelling to the district's housing stock which would be built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.

- 7.7.2 However, it is considered that these benefits would be outweighed by the significant and demonstrable harm which would be caused by the siting of an additional dwelling in an unsustainable location and increasing reliance on the car to gain access to services and facilities. Further harm is caused by the increased risks as a result of an additional dwelling within Flood Zone 3 despite there being reasonably available sites elsewhere with a lower probability of flooding.
- 7.7.3 The application is therefore considered to be contrary to this proposal is in conflict with Local Plan policies GROWTH5, ENV1, ENV2, ENV8 and COM7 of the East Cambridgeshire Local Plan 2015 and the Cambridgeshire Flood and Water SPD. .

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/00907/FUL	Gareth Pritchard Room No. 011 The Grange Ely	Gareth Pritchard Planning Officer 01353 665555 gareth.pritchard@eastcambs.gov.uk
01/00732/FUL		
10/00650/FUL		
11/00603/FUL		
13/00070/VAR		
13/00575/FUL		
15/00299/FUL		

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>